Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, and Machado)

March 28, 2003

An act to amend Sections 27, 1271, 2027, 2060, 2135.5, 2190.5, 2386, 2441, 2442, 2570.4, 4980.43, 4980.57, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, and 4996.23 of, to amend and repeal Section 4997 of, and to repeal Section 2106 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

- SB 1077, as introduced, Committee on Business and Professions. Health care practitioners.
- (1) Existing law regulates specified businesses and professions by various entities in the Department of Consumer Affairs and requires these entities to provide information on the Internet about their licensees.

This bill would delete obsolete provisions.

(2) Existing law licenses and regulates cytotechnologists, and provides a maximum workload of 80 gynecologic slides in a 24-hour period.

This bill would provide specified workload values for purposes of this workload unit calculation. The bill would require a cytotechnologist's technical supervisor to establish the maximum number of workload units per day for each individual, not to exceed the maximum of 80, and would prohibit the use of the maximum workload unit as a performance target. Because a violation would be a crime, the bill would impose a state-mandated local program.

SB 1077 — 2 —

(3) Existing law exempts physicians and surgeons licensed and located outside this state from the Medical Practice Act under certain conditions.

This bill would extend this exemption to doctors of podiatric medicine that are licensed and located outside this state.

(4) Existing law requires the Medical Board of California to make various reports to the Legislature.

This bill would repeal an obsolete reporting requirement.

(5) Existing law requires the Bureau of Medical Statistics within the Medical Board of California to conduct research deemed necessary by the board.

This bill would correct an erroneous cross-reference in these provisions.

(6) Existing law requires licensees of the Medical Board of California to pay certain licensing fees, which may be waived at the discretion of the board if a licensee demonstrates that he or she is unable to practice medicine due to a disability. A licensee who has been granted a waiver may not practice medicine unless he or she pays the current renewal fee and signs a statement under penalty of perjury that the disability either no longer exists or does not affect his or her ability to practice medicine safely.

This bill would alternatively authorize a licensee whose renewal fee has been waived to sign an agreement under penalty of perjury with the board in which the licensee agrees to limit his or her practice consistent with limitations imposed by his or her reviewing physician. Because the bill would change the definition of a crime, it would thereby impose a state-mandated local program.

(7) Under existing law, the Medical Board of California establishes fees for the renewal of a physician and surgeon's license. Existing law provides for the waiver of the fee for a physician and surgeon who certifies that the license renewal is for the sole purpose of providing voluntary, unpaid service to specified agencies, institutions, and corporations.

This bill would delete the limitation on what agencies, institutions, or corporations a physician and surgeon may provide that unpaid service.

(8) Existing law authorizes licensed marriage and family therapists and licensed clinical social workers to apply to have their licenses placed on inactive status. Existing law exempts marriage and family therapists and clinical social workers with inactive licenses from certain

—3— SB 1077

continuing education requirements. Existing law specifies the training and experience required by an applicant, trainee, intern, or associate for a marriage and family therapy license or a clinical social worker's license. Existing law requires licensees to obtain a specified number of supervised hours and authorizes these hours to be obtained by training with a governmental entity, a school, college, university, or a private practice.

This bill would require these therapists and social workers to complete certain continuing education in order to reactivate their licenses. The bill would require licensed therapists and social workers to complete a 7-hour continuing education course on spousal or partner abuse for license renewal. The bill would require that the training hours required by therapists and social workers be obtained in settings that, among other things, provide clinical social work, mental health counseling and psychotherapy. The bill would additionally require that at least half of the training required for a licensed clinical social worker be supervised by a licensee. The bill would delete an obsolete reporting requirement.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- SECTION 1. Section 27 of the Business and Professions Code is amended to read:
- 3 27. (a) Every entity specified in subdivision (b), on or after
- 4 July 1, 2001, unless otherwise authorized by the Department of
- 5 Information Technology pursuant to Executive Order D-3-99,
- 6 shall provide on the Internet information regarding the status of
- 7 every license issued by that entity in accordance with the
- 8 California Public Records Act (Chapter 3.5 (commencing with
- 6 Camorina i ubite Records Act (Chapter 3.5 (Commencing with
- 9 Section 6250) of Division 7 of Title 1 of the Government Code)
- 10 and the Information Practices Act of 1977 (Chapter 1
- 11 (commencing with Section 1798) of Title 1.8 of Part 4 of Division

SB 1077 — 4 —

21

22

23

24

25

26

28

29

30

31

32

34

35

36 37

38

3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action taken by the entity relative to persons, businesses, or 5 facilities subject to licensure or regulation by the entity. In providing information on the Internet, each entity shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records. The information shall not include personal 9 information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's 10 11 address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead 12 of his or her home address, as the address of record. This section 13 14 shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing 15 address as his or her address of record, to provide a physical 16 business address or residence address only for the entity's internal 17 administrative use and not for disclosure as the licensee's address 19 of record or disclosure on the Internet. 20

- (b) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:
- (1) The Acupuncture Board shall disclose information on its licensees.
- (2) The Board of Behavioral Sciences shall disclose information on its licensees, including marriage and family therapists, licensed clinical social workers, and licensed educational psychologists.
- (3) The Dental Board of California shall disclose information on its licensees.
- (4) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of their licensees.
- (5) The Board for Professional Engineers and Land Surveyors shall disclose information on its registrants and licensees.
- (6) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general

— 5 — SB 1077

pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

3

5

10

11

12 13

14

15 16

17

18 19

20

21

22

23

24

25

26 27

28

31

32

33

34

35

37

38

- (7) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.
- (8) The Bureau of Electronic and Appliance Repair shall disclose information on its licensees, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.
- (9) The Cemetery Program shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, crematories, and cremated remains disposers.
- (10) The Funeral Directors and Embalmers Program shall disclose information on its licensees, including embalmers, funeral establishments, and funeral directors.
- (11) The Contractors' State License Board shall disclose information on its licensees in accordance with Chapter 9 (commencing with Section 7000) of Division 3.
- (12) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.
- (c) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (e) of Section 17538.
- SEC. 2. Section 1271 of the Business and Professions Code is amended to read:
- 1271. (a) A cytotechnologist shall not examine more than 80 gynecologic slides workload units in a 24-hour period. This limit is an absolute maximum of workload units and is not to be used as a performance target for each individual.
- (b) For purposes of workload unit calculations, a slide preparation shall be counted using the following weighted workload values:
- (1) Conventional preparations with manual screening = 1.036 workload unit.
 - (2) Liquid-based preparations with manual screening = 0.8workload unit.
 - (c) A maximum number of workload units, not to exceed the maximum workload unit limit in subdivision (a), is to be

SB 1077 — 6 —

established by the technical supervisor for each individual examining slide preparations by nonautomated microscopic technique.

(d) The maximum workload *unit* limit in subdivision (a) is the maximum number of gynecologic slides that a cytotechnologist shall examine in a 24-hour period without regard to the number of clinical laboratories or other persons for which the work is performed. Cytotechnologists who examine both gynecologic and nongynecologic slides shall do so on a pro rata basis so that the maximum workload *unit* limit in subdivision (a) is not exceeded, and so that the number of gynecologic slides examined is reduced proportionally if both gynecologic and nongynecologic slides are examined in a 24-hour period.

(c)

(e) The maximum workload *unit* limit in subdivision (a) is for a cytotechnologist who has no duties other than the evaluation of gynecological slides. Cytotechnologists who have other duties, including, but not limited to, the preparation and staining of cytologic slides, shall decrease on a pro rata basis the number of slides examined.

(d)

(f) All cytologic slides shall be examined in a clinical laboratory that has been licensed by the department, or in a municipal or county laboratory established under Section 101150 of the Health and Safety Code. All slides examined under the name of a clinical laboratory shall be examined on the premises of that laboratory.

(e)

(g) Each clinical laboratory shall maintain records of the number of cases and slides for gynecologic and nongynecologic samples examined on a monthly and annual basis.

(f)

(h) Each cytotechnologist shall maintain current records in a form prescribed by the department of hours worked and the names and addresses of the clinical laboratories or other persons for whom slides are examined.

(g)

(i) Each clinical laboratory shall retain all cytology slides and cell blocks examined for a minimum of five years and all cytology reports for a minimum of 10 years.

—7— SB 1077

(h)

(j) The presence of any factor that would prohibit the proper examination of a cytologic slide, including, but not limited to, damaged slides or inadequate specimens, as determined by the director of the laboratory, shall result in the issuance of a statement of inadequacy to the referring physician and no report of cytologic findings shall be issued on that slide.

(i)

(k) Each clinical laboratory shall maintain records of the number of cases and slides for gynecologic and nongynecologic slides each cytotechnologist in the laboratory reads each 24-hour period, the number of hours devoted during each 24-hour period to screening cytology slides by each individual, and shall determine weekly and cumulatively the frequency of abnormal slides found by each cytotechnologist employed.

(j)

- (1) Ten percent of the negative or normal slides examined by each cytotechnologist employed by a clinical laboratory shall be rescreened at least weekly by a cytopathologist or supervising cytotechnologist other than the original examiner.
- SEC. 3. Section 2027 of the Business and Professions Code is amended to read:
- 2027. (a) On or after July 1, 2001,—unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, the board shall post on the Internet the following information in its possession, custody, or control regarding licensed physicians and surgeons and licensed doctors of podiatric medicine:
- (1) With regard to the status of the license, whether or not the licensee is in good standing, subject to a temporary restraining order (TRO), subject to an interim suspension order (ISO), or subject to any of the enforcement actions set forth in Section 803.1.
- (2) With regard to prior discipline, whether or not the licensee has been subject to discipline by the board of another state or jurisdiction, as described in Section 803.1.
- 36 (3) Any felony convictions reported to the board after January 37 3, 1991.
 - (4) All current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, "current accusation" shall mean an accusation that has

SB 1077 — 8 —

 not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the Medical Board of California unless an appeal of that decision is pending.

- (5) Any malpractice judgment or arbitration award reported to the board after January 1, 1993.
- (6) Any hospital disciplinary actions that resulted in the termination or revocation of a licensee's hospital staff privileges for a medical disciplinary cause or reason.
- (7) Appropriate disclaimers and explanatory statements to accompany the above information, including an explanation of what types of information are not disclosed. These disclaimers and statements shall be developed by the board and shall be adopted by regulation.
- (8) Any information required to be disclosed pursuant to Section 803.1.
- (b) (1) From January 1, 2003, the information described in paragraphs (1) (other than whether or not the licensee is in good standing), (2), (4), (5), and (7) of subdivision (a) shall remain posted for a period of 10 years from the date the board obtains possession, custody, or control of the information, and after the end of that period shall be removed from being posted on the board's Internet Web site. Information in the possession, custody, or control of the board prior to January 1, 2003, shall be posted for a period of 10 years from January 1, 2003. Settlement information shall be posted as described in paragraph (2) of subdivision (b) of Section 803.1.
- (2) The information described in paragraphs (3) and (6) of subdivision (a) shall not be removed from being posted on the board's Internet Web site. Notwithstanding the provisions of this paragraph, if a licensee's hospital staff privileges are restored and the licensee notifies the board of the restoration, the information pertaining to the termination or revocation of those privileges, as described in paragraph (6) of subdivision (a), shall remain posted for a period of 10 years from the restoration date of the privileges, and at the end of that period shall be removed from being posted on the board's Internet Web site.
- (c) The board shall provide links to other Web sites on the Internet that provide information on board certifications that meet the requirements of subdivision (b) of Section 651. The board may provide links to other Web sites on the Internet that provide

—9 — SB 1077

information on health care service plans, health insurers, hospitals, or other facilities. The board may also provide links to any other sites that would provide information on the affiliations of licensed 4 physicians and surgeons and licensed doctors of podiatric medicine.

5

6

24

25

26

27

28

29

30 31

32 33

34

35

- SEC. 4. Section 2060 of the Business and Professions Code is amended to read:
- 8 2060. Nothing in this chapter applies to any practitioner 9 located outside this state, when in actual consultation, whether within this state or across state lines, with a licensed practitioner 10 of this state, or when an invited guest of the California Medical 12 Association or the California Podiatric Medical Association, or 13 one of their component county societies, or of an approved 14 medical or podiatric medical school or college for the sole purpose of engaging in professional education through lectures, clinics, or 15 demonstrations, if he or she is, at the time of the consultation, 16 17 lecture, or demonstration a licensed physician and surgeon or a licensed doctor of podiatric medicine in the state or country in 19 which he or she resides. This practitioner shall not open an office, 20 appoint a place to meet patients, receive calls from patients within 21 the limits of this state, give orders, or have ultimate authority over 22 the care or primary diagnosis of a patient who is located within this 23 state.
 - SEC. 5. Section 2106 of the Business and Professions Code is repealed.
 - 2106. On or before July 1, 1993, the board shall report to the appropriate policy committees of the Senate and Assembly both of the following:
 - (a) The number of foreign-trained and domestic-trained medical school graduates who have applied to the board for examination through the United States Medical Licensing Examination.
 - (b) The passage and failure rates for foreign-trained and domestic-trained medical school graduates who have taken the United States Medical Licensing Examination administered by the board.
- 37 SEC. 6. Section 2135.5 of the Business and Professions Code 38 is amended to read:
- 39 2135.5. Upon review and recommendation, the Division of 40 Licensing may determine that an applicant for a physician and

— 10 — SB 1077

surgeon's certificate has satisfied the medical curriculum requirements of Section 2089, the clinical instruction requirements of Sections 2089.5 and 2089.7, and the examination requirements of Section 2170 if the applicant meets all of the 5 following criteria:

- (a) He or she holds an unlimited and unrestricted license as a physician and surgeon in another state.
- (b) He or she has been licensed by that state to practice as a physician and surgeon.
- (e) He or she is certified by a specialty board that is a member board of the American Board of Medical Specialties.

(d)

6

8

9

10 11

12

13 14

15

16

17 18

20

21

24

25

28

29

30

31

32

33

34

35

37

(c) He or she has not been the is not subject of a to denial of licensure under Section 480.

(e)

- (d) He or she has not graduated from a school that has been disapproved by the division.
- SEC. 7. Section 2190.5 of the Business and Professions Code 19 is amended to read:
 - 2190.5. (a) All physicians and surgeons shall complete a mandatory continuing education course in the subjects of pain management and the treatment of terminally ill and dying patients. For the purposes of this section, this course shall be a one-time requirement of 12 credit hours within the required minimum established by regulation, to be completed by December 31, 2006. All physicians and surgeons licensed on and after January 1, 2002, shall complete this requirement within four years of their initial license or by their second renewal date, whichever occurs first. The board may verify completion of this requirement on the renewal application form.
 - (b) By regulatory action, the board may exempt physicians and surgeons by practice status category from the requirement in subdivision (a) if the physician and surgeon does not engage in direct patient care, does not provide patient consultations, or does not reside in the State of California.
- (c) This section shall not apply to physicians and surgeons 36 practicing in pathology or radiology speciality specialty areas.
- SEC. 8. Section 2386 of the Business and Professions Code 38 is amended to read:

— 11 — SB 1077

2386. The bureau shall be the repository for all reports filed with the board pursuant to Article 11 (commencing with Section 800) of Chapter 2, and pursuant to Sections 2231 and 2334 Section 2220.

1

2

3

4

25

26

27

28

30

31

- 5 SEC. 9. Section 2441 of the Business and Professions Code 6 is amended to read:
- 2441. Any licensee who demonstrates to the satisfaction of the board that he or she is unable to practice medicine due to a 9 disability may request a waiver of the license renewal fee. The granting of a waiver shall be at the discretion of the board and may 10 be terminated at any time. Waivers shall be based on the inability 11 of a licensee to practice medicine. A licensee whose renewal fee 12 13 has been waived pursuant to this section shall not engage in the 14 practice of medicine unless and until the licensee pays the current renewal fee and establishes to the satisfaction of the board, on a 15 form prescribed by the board and signed under penalty of perjury, 16 that the licensee's disability either no longer exists or does not 17 affect his or her ability to practice medicine safely. Alternatively, a licensee whose renewal fee has been waived may, upon paying 19 20 the current renewal fee, sign an agreement with the board under 21 penalty of perjury in which the licensee agrees to limit his or her 22 practice consistent with limitations imposed by his or her 23 reviewing physician. 24
 - SEC. 10. Section 2442 of the Business and Professions Code is amended to read:
 - 2442. The renewal fee shall be waived for a physician and surgeon who certifies to the Medical Board of California that license renewal is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation which provides medical services to indigent patients in medically underserved or critical-need population areas of the state.
- 33 SEC. 11. Section 2570.4 of the Business and Professions 34 Code is amended to read:
- 35 2570.4. Nothing in this chapter shall be construed as 36 preventing or restricting the practice, services, or activities of any 37 of the following persons:
- 38 (a) Any person licensed, certified, or otherwise recognized in 39 this state by any other law or regulation when that person is

SB 1077 — 12 —

engaged in the profession or occupation for which he or she is licensed, certified, or otherwise recognized.

- (b) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited educational program, if the person is designated by a title which clearly indicates his or her status as a student or trainee.
- (c) Any person fulfilling the supervised fieldwork experience requirements of subdivision (c) of Section 2570.6, if the experience constitutes a part of the experience necessary to meet the requirement of that provision.
- (d) Any person performing occupational therapy services in the state, if those services are performed for no more than 45 days in a calendar year in association with an occupational therapist licensed under this chapter, and if either of the following conditions is satisfied:
- (1) The *the* person is licensed under the laws of another state which *that* the board determines has licensure requirements at least as stringent as the requirements of this chapter.
- (2) The person successfully completes the entry-level certification examination requirement described in subdivision (b) of Section 2570.7.
- (e) Any person employed as an aide subject to the supervision requirements of this section.
- SEC. 12. Section 4980.43 of the Business and Professions Code is amended to read:
- 4980.43. (a) For all applicants, a minimum of two calendar years of supervised experience is required, which experience shall consist of 3,000 hours obtained over a period of not less than 104 weeks. Not less than 1,500 hours of experience shall be gained subsequent to the granting of the qualifying master's or doctor's degree. For those applicants who enroll in a qualifying degree program on or after January 1, 1995, not more than 750 hours of counseling and direct supervisor contact may be obtained prior to the granting of the qualifying master's or doctor's degree. However, this limitation shall not be interpreted to include professional enrichment activities. Except for personal psychotherapy hours gained after enrollment and commencement of classes in a qualifying degree program, no hours of experience may be gained prior to becoming a trainee. All experience shall be gained within the six years immediately preceding the date the

— 13 — SB 1077

application for licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.40 shall be exempt from this six-year requirement.

- (b) All applicants, *trainees*, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Experience shall be gained by interns and trainees either as an employee or as a volunteer in any allowable work setting specified in this chapter. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.
- (c) Supervision shall include at least one hour of direct supervisor contact for each week of experience claimed. A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. A person gaining postdegree experience shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified in regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.
- (d) (1) The experience required by Section 4980.40 shall include supervised marriage and family therapy, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.
- (2) "Professional enrichment activities," for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This

SB 1077 — 14 —

psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted toward the professional experience requirement. This psychotherapy shall be performed by a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry.

- (e) The (1) A trainee may gain the experience required by subdivision (f) of Section 4980.40 may be gained as a trainee in the following settings: a governmental entity, a school, college or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community treatment facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code, if the experience is gained by the trainee solely as part of the position for which he or she is employed.
- (f) The experience required by Section 4980.40 may be gained as an intern as specified in subdivision (e), or when employed in a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions. Employment in a private practice setting shall not commence until the applicant has been registered as an intern. When an intern is employed in a private practice setting by any licensee enumerated in this section, or by a professional corporation of any of those licensees, the intern shall be under the direct supervision of a licensee enumerated in subdivision (f) of Section 4980.40 who shall be employed by and practice at the same site as the intern's employer. An intern employed in a private practice setting shall not pay his or her employer for supervision. While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration. in any setting that meets all of the following:

— 15 — SB 1077

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

- (B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.
- (C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
- (2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.
- (f) (1) An intern may gain the experience required by subdivision (f) of Section 4980.40 in any setting that meets both of the following:
- (A) Lawfully and regularly provides mental health counseling or psychotherapy.
- (B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.
- (2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.
- (3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.
- (4) An intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee enumerated in subdivision (f) of Section 4980.40 who shall be employed by and practice at the same site as the intern's employer.
- (5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.
- (g) All interns persons shall register with the board as an intern in order to be credited for postdegree hours of experience gained toward licensure, regardless of the setting where those hours are to be gained. Except as provided in subdivision (h), all postdegree hours shall be gained as a registered intern.
- (h) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure

SB 1077 — 16 —

 so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's degree and is thereafter granted the intern registration by the board.

- (i) Trainees and, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employer.
- (j) Trainees—and, interns, and applicants shall only perform services at the place where their employer regularly conducts business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.
- (k) An intern or trainee Trainees, interns, or applicants who provides volunteered services or other services, and who receives no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by that intern or trainee for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.
- (*l*) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.
- 37 SEC. 13. Section 4980.57 of the Business and Professions 38 Code is amended to read:
- 4980.57. (a) The board shall require a licensee who began graduate study prior to January 1, 2004, to take a *seven-hour*

— 17 — SB 1077

continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

- (b) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required under paragraph (1) of subdivision (c) of Section 4980.54.
- (c) This section shall become operative on January 1, 2004. SEC. 14. Section 4982.2 of the Business and Professions Code is amended to read:
- 4982.2. (a) A licensed marriage and family therapist, licensed clinical social worker, or educational psychologist whose license has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board, or any portion of it, is stayed by the board itself, or by the superior court, from the date the disciplinary action is actually implemented in its entirety:
- (1) At least three years for reinstatement of a license that was revoked for unprofessional conduct, except that the board may, in its sole discretion at the time of adoption, specify in its order that a petition for reinstatement may be filed after two years.
- (2) At least two years for early termination of any probation period of three years, or more.
- (3) At least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.
- (b) The petition may be heard by the board itself, or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code. The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by

SB 1077 — 18 —

letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition. The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

- (c) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate.
- (d) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4982.15. Where a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board.
- (e) The board may take such action with respect to the proposed decision and petition as it deems appropriate.
- (f) The petition shall be on a form provided by the board, and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order.
- (g) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

— 19 — SB 1077

(h) The petition shall be verified by the petitioner, who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

- (i) The board may delegate to its executive officer authority to order investigation of the contents of the petition, but in no case, may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.
- (j) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.
- (k) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or subject to an order of registration as a mentally disordered sex offender if the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.
- (*l*) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.
- SEC. 15. Section 4984.8 of the Business and Professions Code is amended to read:
- 4984.8. A licensed marriage and family therapist may apply to the board to request that his or her license be placed on inactive status. Licensees A licensee who hold holds an inactive license shall pay a biennial fee of half of the active renewal fee. Licensees holding an inactive license and shall be exempt from continuing education requirements specified in Section 4980.54, but shall otherwise be subject to this chapter and shall not engage in the practice of marriage and family therapy in this state. Licensees A licensee on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed any required continuing education equivalent to that required for a single renewal period may, upon their his or her request, have their his or her license to practice marriage and

SB 1077 — 20 —

11

12

13

14

15

16 17

19

20

21

22

23

24

2526

27

28

30

31

32

33

34

35

36 37

38

39 40

family therapy placed on active status. Licensees A licensee requesting their his or her license to be placed on active status at any time between a renewal cycle shall pay the remaining half of their the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education for license renewal. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education for license renewal.

SEC. 16. Section 4996.18 of the Business and Professions Code is amended to read:

4996.18. (a) Any person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board and shall be accompanied by a fee of ninety dollars (\$90). An applicant for registration shall (1) possess a master's degree from an accredited school or department of social work, and (2) not have committed any crimes or acts constituting grounds for denial of licensure under Section 480. On and after January 1, 1993, an applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(b) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. A registration may be renewed annually after initial registration by filing on or before the date on which the registration expires, an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has

— 21 — SB 1077

been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal. Each person who registers or has registered as an associate clinical social worker, may retain that status for a total of six years.

2

3

4

5

6

8

9

10

11

12 13

14

15

16 17

19

20

21

22

23

24

25

26

27

28

30

31

32

33

34

35

36

- (c) Notwithstanding the limitations on the length of an associate registration in subdivision (b), an associate may apply for, and the board shall grant, one-year extensions beyond the six-year period when no grounds exist for denial, suspension, or revocation of the registration pursuant to Section 480. An associate shall be eligible to receive a maximum of three one-year extensions. An associate who practices pursuant to an extension shall not practice independently and shall comply with all requirements of this chapter governing experience, including supervision, even if the associate has completed the hours of experience required for licensure. Each extension shall commence on the date when the last associate renewal or extension expires. An application for extension shall be made on a form prescribed by the board and shall be accompanied by a renewal fee of fifty dollars (\$50). An associate who is granted this extension may work in all work settings authorized pursuant to this chapter.
- (d) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.
- (e) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.
- (f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.
- (g) An applicant who possesses a master's degree from an approved school or department of social work shall be able to apply experience the applicant obtained during the time the approved school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.20—or, 4996.21, or

SB 1077 — 22 —

1 4966.23. This subdivision shall apply retroactively to persons who

- 2 possess a master's degree from an approved school or department
- 3 of social work and who obtained experience during the time the
- 4 approved school or department was in candidacy status by the
- 5 Commission on Accreditation of the Council on Social Work6 Education.
- 7 SEC. 17. Section 4996.21 of the Business and Professions 8 Code is amended to read:
 - 4996.21. The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:
 - (a) On or after January 1, 1999, a registrant an associate shall have at least 3,200 hours of post-master's degree experience, supervised by a licensed clinical social worker, in providing clinical social work services as permitted by Section 4996.9. At least 1,700 of these hours shall be gained under the supervision of a licensed clinical social worker. The remaining hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined in a regulation adopted by the board. Experience shall consist of the following:
 - (1) A minimum of 2,000 hours in psychosocial diagnosis, assessment, and treatment, including psychotherapy and or counseling.
 - (2) A maximum of 1,200 hours in client-centered advocacy, consultation, evaluation, and research.
 - (3) Experience shall have been gained in not less than two nor more than six years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.
 - (b) Notwithstanding the requirements of subdivision (a), up to 1,000 hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board.
 - (1)—Supervision means responsibility for and control of the quality of clinical social work services being provided.
- 36 (2

9

10

11

12

13

15

17

20

21

22 23

24

25

26

2728

29

30

31

32 33

34

- 37 (c) Consultation *or peer discussion* shall not be considered to be supervision.
- 39 (3)

— 23 — SB 1077

(d) Supervision shall include at least one hour of direct supervisor contact for each week of experience claimed and shall include at least one hour of direct supervisor contact for every 10 hours of client contact in each setting where experience is gained. Not less than one-half 1,600 of the hours of required supervision shall be individual supervision and, of the 1,600 hours, a minimum of 400 hours shall be supervised by a licensed clinical social worker. The remaining hours may be group supervision. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group setting of not more than eight persons.

(4)

- (e) The supervisor and the supervisee associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial supervisory plan within 30 days of commencement of supervision.
- (c) A "private practice setting" is any setting other than a governmental entity, a school, college, or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community treatment facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code.
- (1) In a setting that is not a private practice, a registrant shall be employed on either a voluntary or paid basis.

 $\frac{(2)}{(2)}$

- (f) (1) Experience shall only be gained in a setting that meets both of the following:
- (A) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.
- (B) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth

SB 1077 — 24 —

in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

- (2) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.
- (3) Employment in a private practice as defined in paragraph (4) shall not commence until the applicant has been registered as an associate clinical social worker.
- (4) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
- (5) If volunteering, the registrant associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(3)

- (6) If employed, the registrant associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.
- (d) Employment in a private practice setting shall not commence until the applicant has been registered as an associate elinical social worker. A registrant employed in a private practice setting shall not do any of the following:
- (1) Pay his or her employer or supervisor for supervision, and shall receive fair remuneration from his or her employer.

(2)

- (g) While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to associates.
 - (h) An associate shall not do the following:
- (1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.
- (3) Perform services at any place except where the registrant's employer regularly conducts business.

(4)

- (2) Have any proprietary interest in the employer's business.
- (e) A person employed in a setting other than a private practice setting
- (i) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the registrant's

— 25 — SB 1077

associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the registrant's associate's social work services.

- SEC. 18. Section 4996.22 of the Business and Professions Code, as added by Section 11 of Chapter 481 of the Statutes of 2002, is amended to read:
- 4996.22. (a) (1) Except as provided in subdivision (c), on and after January 1, 2000, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.
- (2) For those persons renewing during 1999, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of social work, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education regulations adopted by the board pursuant to the other provisions of this section.
- (3) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a *seven-hour* continuing *education* course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).
- (b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of

SB 1077 — 26 —

 required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

- (c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.
- (d) The continuing education shall be obtained from one of the following sources:
- (1) An accredited school of social work, as defined in Section 4990.4, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
- (2) Other continuing education providers, including, but not limited to, a professional social work association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, and a mental health professional association, approved by the board.
- (3) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.
- (e) Training, education, and coursework by approved providers shall incorporate one or more of the following:
- (1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.
- (2) Aspects of the social work discipline in which significant recent developments have occurred.
- (3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.
- (f) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.
- (g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing

— 27 — SB 1077

education established by the Department of Consumer Affairs pursuant to Section 166.

- (h) The board may adopt regulations as necessary to implement this section.
- (i) The board shall submit a report to the Legislature no later than January 1, 2001, evaluating the progress of continuing education required by this section, and making recommendations
- (i)—On and after January 1, 1997, the board shall, by regulation, 10 fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Science Examiners Fund. The fees related to the administration of this section shall be sufficient to meet but shall not exceed the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d), shall be deemed to be an approved provider.

2

3

4

5

6

8 9

12 13

14

15

16 17

18 19

20

22

23

24

25 26

30 31

32

33 34

35

36

- (j) This section shall become operative on January 1, 2004.
- SEC. 19. Section 4996.23 of the Business and Professions 21 Code is amended to read:
 - 4996.23. The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:
 - (a) All persons registered with the board on and after January 1, 2002, shall have at least 3,200 hours of post-master's degree supervised experience providing clinical social work services as permitted by Section 4996.9. At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. This degree of experience shall consist of the following:
 - (1) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy and or counseling.
 - (2) A maximum of 1,200 hours in client-centered advocacy, consultation, evaluation, and research.
- 38 (3) Of the 2,000 clinical hours required in paragraph (1), no less than 750 hours shall be face-to-face individual or group

SB 1077 — 28 —

psychotherapy provided to clients in the context of clinical social work services.

- (4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.
- (b) Of the 3,200 hours of supervised experience required in subdivision (a), 2,200 hours shall be gained under the supervision of a licensed clinical social worker. The remaining 1,000 hours of the required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board.

(e)

(5) Experience shall not be credited for more than 40 hours in any week.

(d)

- (b) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided.
- (1) Consultation Consultation or peer discussion shall not be considered to be supervision.

(2)

(c) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(3)

(2) Supervised experience shall include at least one hour of direct supervisor contact for each week of experience claimed. A registrant In addition, an associate shall receive an average of at least one hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than five hours of supervision, whether individual or group, shall be credited during any single week. Of the 3,200 hours of supervised experience required in subdivision (a), 1,600 hours must be individual supervision and a minimum of 400 of these hours shall be supervised by a licensed clinical social worker. The remaining hours may be group supervision. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face

— 29 — SB 1077

contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons receiving supervision.

(4)

- (d) The supervisor and the supervisee associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan within 30 days of commencement of supervision upon application for licensure.
- (e) Acceptable settings for gaining experience are private practice, a governmental entity, a school, college, or university, a nonprofit and charitable corporation, a licensed health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code, a social rehabilitation facility or a community care facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, a pediatric day health and respite care facility, as defined in Section 1760.2 of the Health and Safety Code, or a licensed alcoholism or drug abuse recovery or treatment facility, as defined in Section 11834.02 of the Health and Safety Code.
- (1) In a setting that is not a private practice, a registrant shall be employed on either a voluntary or paid basis.
- (2) Experience shall only be gained in a setting that meets both of the following:
- (1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.
- (2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.
- (f) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.
- (g) Employment in a private practice as defined in subdivision (h) shall not commence until the applicant has been registered as an associate clinical social worker.
- (h) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed physician and

SB 1077 **— 30 —**

surgeon, or a professional corporation of any of those licensed professions.

(i) If volunteering, the registrant associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

3

5 6 7

10 11

12 13

14

15 16

17

20

21

22

23

24

25

26

27

28

29

32 33

34

35

- (j) If employed, the registrant associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.
- (f) Employment in a private practice setting shall not commence until the applicant has been registered as an associate clinical social worker. A registrant employed in a private practice setting shall not do any of the following:
- (1) Pay his or her employer or supervisor for supervision, and shall receive fair remuneration from his or her employer.

- (k) While an associate may be either a paid employee or 18 volunteer, employers are encouraged to provide fair remuneration to associates.
 - (l) Associates shall not do the following:
 - (1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.
 - (3) Perform services at any place except where the registrant's employer and supervisor regularly conduct business.

(4)

- (2) Have any proprietary interest in the employer's business.
- (g) A person employed in a setting other than a private practice setting
- (m) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the registrant's associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the registrant's associate's social work services.

(n) Notwithstanding any other provision of law, registrants 36 associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

— 31 — SB 1077

SEC. 20. Section 4997 of the Business and Professions Code, as added by Section 21 of Chapter 879 of the Statutes of 1998, is amended to read:

1

2

3

4

5

9

10

12 13

14

15

16

17

19 20

21

22

24

2526

27

28

29 30

31

32 33

34

35

36 37

38 39

4997. A licensed clinical social worker may apply to the board to request that his or her license be placed on inactive status. Licensees A licensee who hold holds an inactive license shall pay a biennial fee of half of the active renewal fee. Licensees holding an inactive license shall be exempt from continuing education requirements specified in Section 4996.22, but shall otherwise be subject to this chapter and shall not engage in the practice of licensed clinical social work in this state. Licensees A licensee on inactive status who have has not committed any acts or crimes constituting grounds for denial of licensure and have completed any required continuing education equivalent to that required for a single renewal period may, upon their his or her request, have their license to practice licensed clinical social work placed on active status. Licensees A licensee requesting their his or her license to be placed on active status between renewal cycles shall pay the remaining half of their the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education for license renewal. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education for license renewal.

- SEC. 21. Section 4997 of the Business and Professions Code, as added by Section 11 of Chapter 1234 of the Statutes of 1993, is repealed.
- 4997. (a) The board shall encourage social workers to take continuing education classes in spousal or partner abuse assessment, detection, and intervention.
- (b) In the event the board establishes a requirement for continuing education coursework in spousal or partner abuse detection or treatment, that requirement shall be met by each licensee within no more than four years from the date the requirement is imposed.
- (c) This section shall only become operative if Senate Bill 404, adding Sections 4980.56 and 4996.22, is enacted and takes effect on or before January 1, 1995.

SB 1077 — 32 —

SEC. 22. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.